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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,672	07/19/2000	Takafumi Hoshizawa	0557-4983-2	2151

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EXAMINER

CHANG, SABRINA A

ART UNIT PAPER NUMBER

3625

DATE MAILED: 11/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/619,672

Applicant(s)

HOSHIZAWA ET AL. *h*

Examiner

Sabrina Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/19/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/19/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim 11 recites the limitation "the image forming apparatus" in Line 25. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what a "used" side refers to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 3, 6-8, 10, 15-17, 19, 20, 21 and 23 are rejected under 35 U.S.C. 102(a) as being anticipated by the article "Now Where Did I Put That Can of Soup?" (Harrow, Jeffrey R. February 8, 1999. RCFoC Technology Journal. www.compaq.com/rcfoc/19990208.html).

"Now" discloses a refrigerator (consumable item keeping system) where the system, through a myriad of sensors, monitors the type and number of products that go in and out of the fridge, the location of the products and the amount left in each container of products. These sensors are tied together by any number of home networking solutions – HomePNA, HomeRf, bluetooth, etc (wireless network). Auto-ordering is instituted upon depletion of a particular product. The article indicates that the user view a display of the contents of the refrigerator and can order items for delivery on a specified date.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over “Now Where Did I Put That Can of Soup?” (Harrow, Jeffrey R. February 8, 1999. RCFoC Technology Journal. www.compaq.com/rcfoc/19990208.html) in view of official notice regarding customer shopping tendencies.

“Now” discloses a method of monitoring consumable items and automatically reordering them when necessary. “Now” does not explicitly disclose that the level where reordering is necessary can be set by the user.

Examiner takes official notice that consumers have different tendencies in shopping and determining when to replenish their stores. It would have been obvious to modify the system of “Now” to allow the consumer to set their “replenishment level”, as taught by official notice regarding consumer buying tendencies, in order to provide a more personalized system and minimize unnecessary ordering.

Claims 4, 5, 12–14, 19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Now Where Did I Put That Can of Soup?” (Harrow, Jeffrey R. February 8, 1999. RCFoC Technology Journal. www.compaq.com/rcfoc/19990208.html) in view of official notice regarding home-networking systems.

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“Now” discloses a method of monitoring consumable items and automatically reordering them when necessary.

In reference to claims 4, 5, 12, 19 and 22, “Now” does not explicitly disclose a system where the order data is transmitted only when there is a continuous signal for a prescribed period of time nor does it disclose that the period of time can be set by the user. “Now” also does not disclose that the order data is reset when the signal disappears before a prescribed time period has elapsed.

Examiner takes official notice that in home-networking systems the user can establish their own preferences regarding the frequency or duration of scanning the devices located within the network. It would have been obvious to modify the system of “Now” such that the user could set the duration of signal acceptance, and disregard those that fail to come through in the predetermined time period, as taught by official notice, in order to minimize the waste of resources.

In reference to claims 13 and 14, “Now” does not explicitly disclose where the consumable item data-transmitting device is located.

Examiner takes official notice that in using any of the aforementioned home-networking technologies – bluetooth, etc. the placement of the data transmitting device is irrelevant. In that the placement of the data-transmitting device would have been irrelevant, as taught by official notice, it would have been obvious to place the data-transmitting device of “Now” anywhere on the consumable item monitoring system.

Claims 9, 11, are rejected under 35 U.S.C. 103(a) as being unpatentable over “Now Where Did I Put That Can of Soup?” (Harrow, Jeffrey R. February 8, 1999. RCFoC Technology

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Journal. www.compaq.com/rcfoc/19990208.html) in view of "HP Rewrites the Rules for Office Desktop Printers" (April 20, 1998. Business Wire).

"Now" discloses a method of monitoring consumable items and automatically reordering them when necessary. "Now" does not explicitly disclose that the consumable keeping system is used in an image forming apparatus.

"HP" teaches a device, a "smart chip", which tracks the ink levels in a printer (image forming apparatus). The information from the "smart chip" can be displayed on-screen so users can check ink levels before printing, reducing the need to re-print, and minimizing ink and media waste.

It would have been obvious to modify the remote, automated consumable item ordering system of "Now" for use in monitoring an image forming apparatus, as taught by "HP", in order to minimize waste of consumable items and increase efficiency.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabrina Chang whose telephone number is 703 305 4879. The examiner can normally be reached on 8:30 am - 5:30 pm Mon.- Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703 308 1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305 7687 for regular communications and 703 305 7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

SC

November 1, 2002


JEFFREY A. SMITH
PRIMARY EXAMINER